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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
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11 Plaintiff,

Case No. CR10-380-TSZ

12 v.

13 KENNETH D. MCGEE,
14
15 Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

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17 **INTRODUCTION**

18 I conducted a hearing on alleged violations of supervised release in this case on April 24,
19 2013. The defendant appeared pursuant to a summons issued in this case. The United States
20 was represented by Darwin Roberts, and defendant was represented by Dennis Carroll. Also
21 present was U.S. Probation Officer Michael S. Larsen. The proceedings were digitally recorded.

22 **SENTENCE AND PRIOR ACTION**

23 Defendant was sentenced on September 10, 1998, by the Honorable Marsha J. Pechman
for Conspiracy in Relation to Cocaine Distribution and Possession of Cocaine with Intent to
Distribute. He received 188 months custody and 5 years supervised release.

PRESENTLY ALLEGED VIOLATIONS

In a petition dated March 21, 2013, U.S. Probation Officer Michael S. Larsen alleged that

1 defendant violated the following conditions of supervised release:

- 2 1. Using Marijuana, on or before June 4, 1012, in violation of standard condition
3 number 7.
- 4 2. Using cocaine, on or before January 30, 2013, and March 4, 2013, in violation of
5 standard condition number 7.

6 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

7 Defendant admitted the above violations and waived any hearing as to whether they
8 occurred. The parties were directed to contact District Judge Thomas S. Zilly for a disposition
9 date.

10 **RECOMMENDED FINDINGS AND CONCLUSIONS**

11 Based upon the foregoing, I recommend the court find that defendant has violated the
12 conditions of his supervised release as alleged above, and conduct a disposition hearing.

13 DATED this 24th day of April, 2013.

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16 BRIAN A. TSUCHIDA
17 United States Magistrate Judge
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